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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Dr. Joseph Smith

Art Unit: 3772

Application Number: 10/619,534

Examiner: Kim Lewis

Filed: 7/16/2003

Title: Anatomically configured device for orthopedic support of the body.

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee N/A

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of  
fax and letter (identify the type of reply):

☒ has been filed previously on 6/20/07

☐ is enclosed herewith.

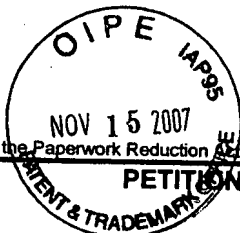
B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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PTO/SB/61 (11-07)  
Approved for use through 11/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Dr. Joseph Smith  
Signature

11-12-07

Date

Dr. Joseph Smith  
Typed or printed name

Appl. # 10/619,534  
Registration Number, if applicable

1179 Oakwater Drive  
Address

561-317-8449  
Telephone Number

Royal Palm Beach, FL 33411  
Address

Enclosure ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11-12-07  
Date

Dr. Joseph Smith  
Signature  
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
Signature

11/12/07  
Date

Dr. Joseph Smith  
Typed or printed name

APP. # 16/619,534  
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

Mail Stop: Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Va. 22313-1450

November 11, 2007



USPTO  
Kim Lewis  
Art Unit 3772  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Va. 22313-1450

To whom it may concern:

I am writing for your assistance on two design patents that are a continuation on Patent #6,776,769 that was issued August 17, 2004. Design patent applications, No. 10/932,357, filing date 8/16/2004 and No. 10/619,534, filing date 7/16/2003 were issued a Notice of Abandonment by mistake. My examiner Kim Lewis was working from outside the office when I tried to answer questions posed on these two applications but there wasn't any description, title and paper work accompanying her request, differentiating them. I have about 8 patent applications related to the original design patent #6,776,769. Kim Lewis and I spoke and I explained that due to hurricane damage and a foreclosure I was in the process of moving from my residence at 1921 South Club Drive, Wellington, FL. 33414 and that I needed an extension of time with the proper papers for each application to make the requested changes. On June 16, 2007, I responded with Kim Lewis who was out of the office and she provided me a fax and an individual to fax a request for the missing paper work with the two applications for me to reply. After a faxed the agreed upon request, I called back to both the personal that received the fax and Kim Lewis to verify the fax was received. About two months ago Kim Lewis wanted to confirm whether the communication was sent and at that time by mistake a Letter of Abandonment was sent on the two applications that she tried to stop but was unsuccessful to stop the process. This was not intentional on either my part or that of Kim Lewis and I would appreciate it if this matter could be corrected as soon as possible. Thank you for your consideration.

Dr. Joseph Smith

Joseph Smith  
1179 Oakwater Drive  
Royal Palm Beach, FL. 33411  
561-317-8449

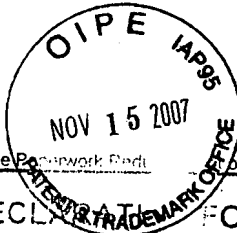


## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION**  
(37 CFR 1.63)

☐ Declaration Submitted With Initial Filing OR  
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (f)) required)

Attorney Docket Number	
First Named Inventor	Dr. Joseph Smith
COMPLETE IF KNOWN	
Application Number	10/619,534
Filing Date	07/16/2003
Art Unit	3722
Examiner Name	Kim Lewis

I hereby declare that:  
Each inventor's residence, mailing address, and citizenship are as stated below next to their name.  
I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought in an invention entitled:  
**Anatomically configured device for orthopedic support of the body.**

(Title of the Invention)  
the specification of which  
☐ is attached hereto  
OR  
☒ was filed on (MM/DD/YYYY) **07/16/2003** as United States Application Number or PCT International Application Number **10/619,534** and was amended on (MM/DD/YYYY) **N/A** (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.  
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
N/A			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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### DECLARATION — Utility or Design Patent Application

Direct all  
correspondence to:

☒ The address  
associated with  
Customer Number.

OR ☐ Correspondence  
address below

Name

Dr. Joseph Smith

Address

1179 Oakwater Drive

City

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33411

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U.S.

Telephone

561-317-8449

Email

docsmith3@comcast.net

#### WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Dr. Joseph O. Smith

Family Name or Surname

Smith

Inventor's Signature

Date

11/12/07

Residence: City

Royal Palm Beach

State

FL.

Country

U.S.

Citizenship

U.S.

Mailing Address

1179 Oakwater Drive

City

Royal Palm Bch.

State

FL.

Zip

33411

Country

U.S.

☐

Additional inventors or a legal representative are being named on the

supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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# DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of  
Invention

Anatomically configured device for orthopedic support of the body.

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐

The attached application, or

☒

Application No. 10/619,534 filed on 07/16/2003

☐

as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

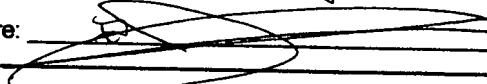
Inventor one:

Dr. Joseph Smith

Date:

4/12/07

Signature:



Citizen of:

U.S.

Inventor two:

Date:

Signature:

Citizen of:

☐

Additional inventors or a legal representative are being named on

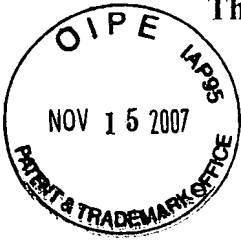
additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



10 / 932,357



This Utility Patent Application is a continuation in part of applications ## 09/798,209 and 10/227,654 and 29/155,536 and 29/169,637, and 619534.

## TITLE OF THE INVENTION

*Support System in Bras, Pants, Girdles, Apparel Braces, etc.*

*Made up of an Insert, Harness and/or Zipper*

## BACKGROUND OF THE INVENTION

1. *Field of the Invention* – This invention relates to an article of manufacture. More specifically, this invention is directed to a device and method for supporting an articulating joint, joints, and / or body part (e.g. low back, chest / upper back, neck , etc.). In the preferred embodiments of this invention, the device comprises spherically, round and / or oval (like) overlapping cylinder like shapes placed in a harness support for clothing (apparel) and/or braces. The harness offers enhanced posterior support and is made of material which may have a compartment to hold an insert to work together to provide greater focused orthopedic support. Either of these components provides support individually but integrating them together they offer enhanced support to better protect the body while providing comfort. The zipper allows the apparel and/or braces to be modified or changed where the apparel and/or brace can be transformed from one supportive apparel and/or brace to another and back again therefore providing greater solutions to the user. This support system also integrates ergonomic and orthopedics into apparel for more focused support. In braces the support system allows for more focused support with the inserts or form providing multi-directional support with increased adaptability.

*Description of the Prior Art* – The human body may be injured by strains, contusions, bruises, degenerative joint diseases, and arthritis. Such injuries may cause

postural, support, disk, joint, body related problems and injuries. These injuries and problems require support to prevent and to help minimize or help correct these situations. In such cases, it has been found advantageous to use some type of orthopedic device to offer support. A number of patents have been disclosed in the patent literature which discloses various devices to cover or support the breast in the front of the body. The following patents for bras are listed with no significance to their order: D485,965; 6,471,102; 5,033,986. They do not address issues dealing with posterior support with or without inserts or a harness or zippers individually used or in combination. There is not any usage in combination for zippers to provide apparel and/or braces with the ability to be transformed from one use to another by way of a zipper alone or in combination with an insert and/or harness.

### **OBJECTS OF THE INVENTION**

It is the object of this invention to remedy the above as well as related deficiencies in the prior art.

More specifically, it is the principal object of the present invention to provide a support system with an anatomically configured device made up of three parts, that individually or jointly can provide enhanced orthopedic support in the apparel and/or brace in the area that it is worn.

It is another object of this invention to provide enhanced posterior support and adaptability in bras, girdles, pants and/or braces and other apparel with the described insert, device or shape, harness device and zipper that can be used alone or in combination to add to support and comfort.

## **SUMMARY OF THE INVENTION**

The above and related objects are achieved by providing a device (insert or shape) made of overlapping cylinder like shapes giving an enhanced 360° support over the joint, joints and / or body part in question within the harness for apparel and/or braces. The harness is composed of supportive material that can stretch multi-directional and that may hold the insert, device or shape that offers enhanced body support alone or more support when used in combination with the harness and/or zipper.

In the preferred embodiments of this invention, the harness is composed of material that can stretch multi-directional and that may hold the insert, device or shape which can also offer multi-directional support.

Both devices can offer support individually or more enhanced support in combination.

The zipper here offers the adaptability to transform one piece of apparel and/or clothing and braces into another and back again. This enhances the solutions the apparel and/or braces can offer to the wearer. It also enables the user to support other areas of the body or make modifications on the area they are supporting.

## **BRIEF DESCRIPTION OF THE DRAWINGS**

Fig. 1 is a perspective view of the harness and the area that may hold the insert, device or shape, which could be removable.

Fig.2 is a perspective view of the front and back of the Sports Bra.

Fig.3 is a perspective view of the insert alone.

Fig.4 is a perspective view of the full body support with only insert in a cover that hooks and loops on. The full body support can through the use of a zipper be made into low back brace and back into a full body support.

Fig.5 is a perspective view of knee brace support which can be transformed with the use of a zipper into an elbow brace and/or thigh brace by adding or taking away a zippered part thereby offering the ability to modify and adapt this support for more than one body part or joint.

DRAWING PAGE



FIGURE 1.

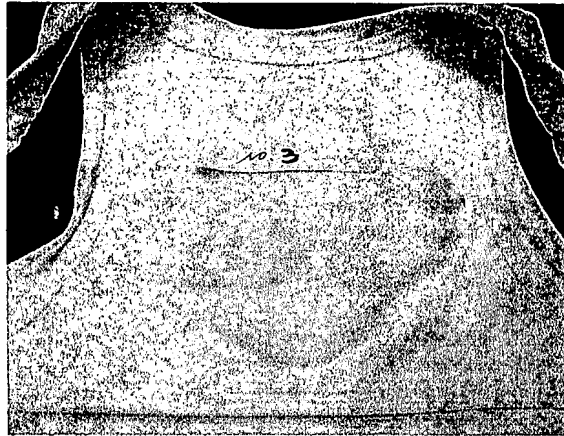


FIGURE 2.

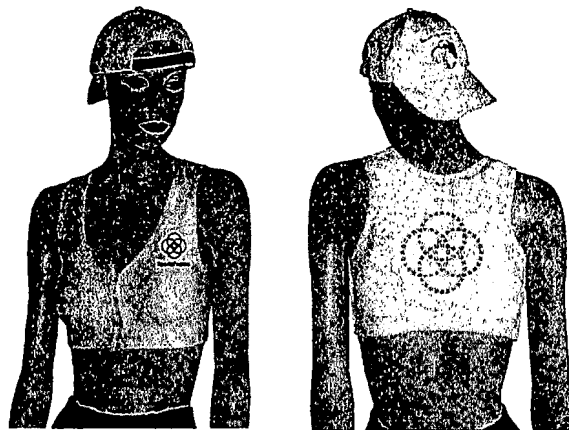


FIGURE 3.

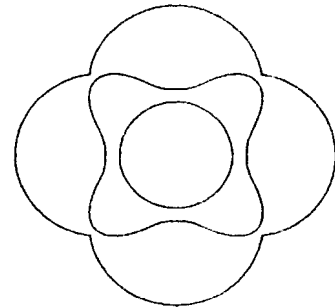


FIGURE 4.

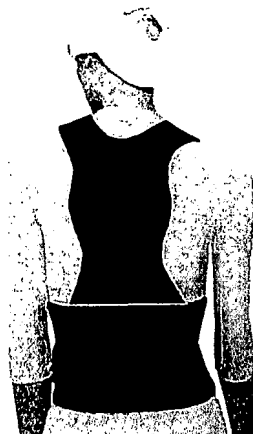
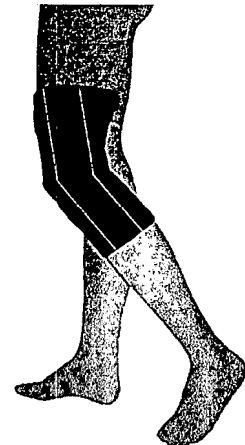


FIGURE 5.



## **DETAILED DESCRIPTION OF THE INVENTION INCLUDING PREFERRED EMBODIMENTS**

The Figures which accompany this application, and referenced herein, depict representative embodiments of this invention. In each instance, the composite comprises the insert or shape made of overlapping cylinder like shapes providing 3-D, 360° support having concentrated pressure support means multi-directional within the harness in combination or either component alone in orthopedic / ergonomic apparel and/or braces. The harness is composed of supportive material that can stretch multi-directional that may hold the insert or shape that offers enhanced body support alone or more support when used in combination with the harness or a zipper.

In Fig.1, the devices (the harness and insert) are preconfigured in an anatomical position suitable to support the upper back (posteriorly).

In Fig.2, this is a picture of the front and back of the bra that can be used both for inner wear and outer wear.

Fig.3 illustrates a perspective view of the insert alone.

Fig.4 illustrates the concept of this support system where the full body support has a zipper which can transform the full body support into low back brace and back into the full body support adding to the adaptability and uses of the support for the user.

Fig.5 illustrates the concept the adaptation of the knee brace which can be transformed with the use of the zipper into elbow and or thigh brace by adding or taking away a zippered part thereby offering the ability to modify and adapt this support for more than one body part and/or joint.

10/619,534

This Utility / Design Patent Application is a continuation in part of applications ##

09/798,209 and 10/227,654 and 29/155,536 and 29/169,637.



## TITLE OF THE INVENTION

*Anatomically Configured Device*

*For Orthopedic Support of the Body*



## BACKGROUND OF THE INVENTION

1. *Field of the Invention* – This invention relates to an article of manufacture.

More specifically, this invention is directed to a device and method for supporting an articulating joint, joints, and / or body part (e.g. wrist, ankle, elbow, knee, low back, full body, upper back, foot, and back of the neck and head). In the preferred embodiments of this invention, the device comprises spherically, round and / or oval (like) overlapping cylinder like shapes placed in braces, clothing, and footwear, designed as a pillow, and placed in a seat or furniture for orthopedic support.

2. *Description of the Prior Art* – The human body may be injured by strains, contusions, bruises, degenerative joint diseases, arthritis, and arthroscopic operations. Such injuries may cause hematomas and inflamed areas that need to be treated. In such cases, it has been found advantageous to apply a compress of some type to the injured area to effect more rapid healing, or prevent any further inflammation or injury. Typically, support for the joints can be provided with an *Ace* bandage wrap, or an anatomically configured tubular device. The anatomically configured tubular device can have an opening in the device at the heel, to permit greater of lesser degree of movement of the ankle. Similarly, a wrist support may include a sleeve having one or more finger or thumb loops to prevent relative movement (creep) of the support on the wrist while in use.

A number of patents have been disclosed in the patent literature which discloses various devices for support or treatment of a weakened or injured articulating joint. The following patents are discussed in chronological order and, thus, no significance is to be attached to their order of discussion.

### **OBJECTS OF THE INVENTION**

It is the object of this invention to remedy the above as well as related deficiencies in the prior art.

More specifically, it is the principal object of the present invention to provide an anatomically configured device for pressure support of an articulating joint, joints or body fitted part.

It is another object of this invention to provide an anatomically configured device for pressure support of an articulating joint, joints or body fitted part, which may stretch inferior, superior, medial and lateral.

It is yet another object of this invention to provide an anatomically configured device of material within a brace, clothing, footwear, as a pillow, a seat for concentrated pressure 360° support of an articulating joint, joints or body fitted part.

### **SUMMARY OF THE INVENTION**

The above and related objects are achieved by providing a device made of overlapping cylinder like shapes giving an enhanced 360° support over the joint, joints and / or body part in question within the brace, clothing, footwear, seats, as a pillow, which may stretch in four directions for pressure support of an ankle, elbow, knee, wrist, low back, full body, upper back, and / or neck and head. The device of this invention can include an anatomically configured device, which is used in one or more areas of the brace,



clothing, footwear, seat, used as a pillow, etc., providing a 360° support, so as to focus or concentrate pressure support at the inferior, superior, medial and lateral points.

In the preferred embodiments of this invention, the pressure concentrating means of the composite comprises a delimited area having a plurality of cylinder like shapes of materials that could have relatively greater stretch resistance and / or support, than other devices used for orthopedic support. For example, in the case of a device for support of a wrist, the pressure concentrating means can be located either on the device just forward of the wrist on either the palm or backside of the hand.

In another of the preferred embodiments of this invention, the composite device of this invention can include one or multiple delimited areas of a brace, clothing, footwear, seat, or as a pillow with a concentrating 360° support for support to the body. For example, in the case of a device for pressure support of the ankle, the pressure support means are typically positioned to both support the Achilles tendon and the plantar of the foot.

The device of this invention can also be provided in the form of overlapping cylinder like shapes providing a 360° support on a brace, clothing, footwear, seat, or as a pillow.

### **BRIEF DESCRIPTION OF THE DRAWINGS**

Fig. 1 is a perspective view of the full body support of this invention.

Fig.2 is a perspective view of a Sports Bra device of this invention.

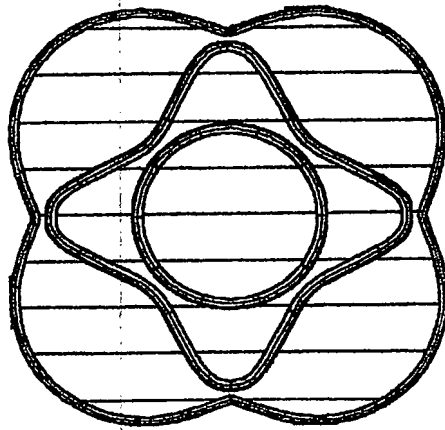
Fig.3 is a perspective view of a pillow device of this invention.

Fig.4 is a perspective view of footwear with the device of this invention.

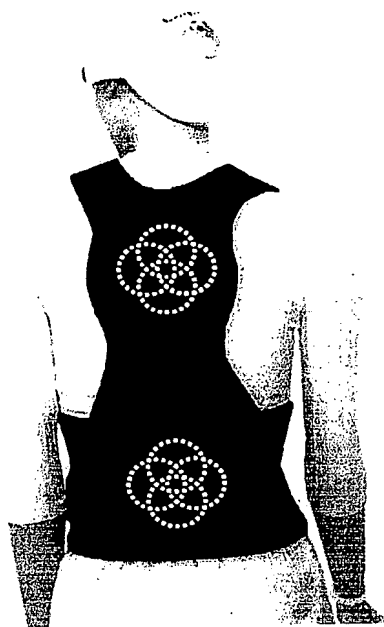
Fig.5 is a perspective view of a car seat with the support device of this invention.



## Drawing Page Device



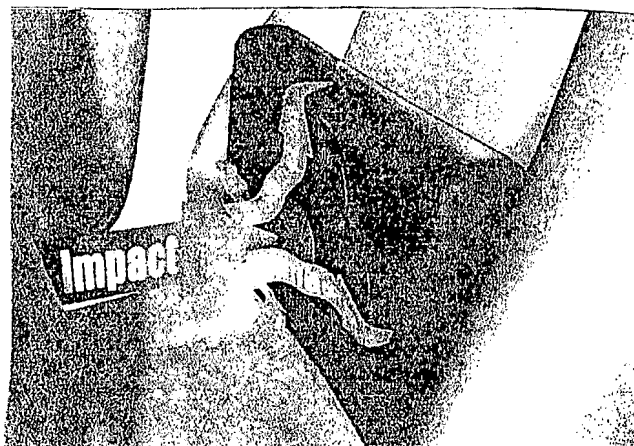
**Figure 1.**  
**Full Body Support**



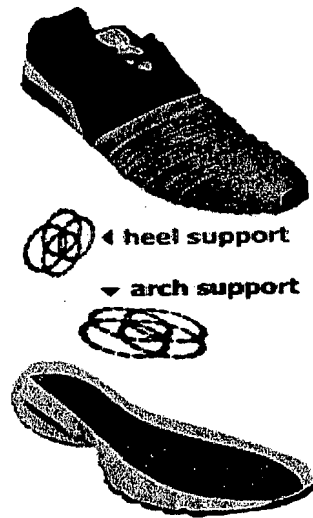
**Figure 2.**  
**Sports Bra**



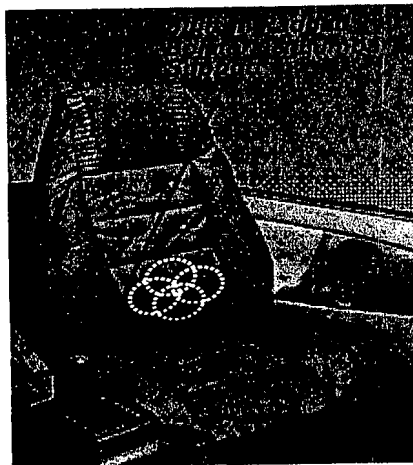
**Figure 3.**  
**Pillow**



**Figure 4.**  
**Footwear**



**Figure 5.**  
**Seat**



## **DETAILED DESCRIPTION OF THE INVENTION INCLUDING PREFERRED EMBODIMENTS**

The Figures which accompany this application, and referenced herein, depict representative embodiments of this invention. In each instance, the composite comprises layers of material with overlapping cylinder like shapes providing 3-D, 360° support having concentrated pressure support means locations for pressure support in braces, clothing, footwear, pillows and / or seats. The layers of material can be anatomically placed at a particular location of the body, providing 3-D, 360° support within a brace, and may also stretch in four directions.

In Fig.1, the devices of this invention are preconfigured in an anatomical position suitable to support the upper and low back.

Similarly, in Fig.2, the device is preconfigured in an anatomical position suitable to support the upper back as it is integrated in a pullover sports bra. This device supports the upper dorsal area.

Fig.3 illustrates the adaptation of the concepts of this invention to a device as a cervical / lumbar pillow that is anatomically configured suitable for support of the neck posteriorly, laterally, as well as low back posteriorly.

Fig.4 illustrates the concept of this invention and the placement of these two designs for support and protection of the arch of the foot inferiorly and the ankle of the foot posteriorly.

Fig.5 illustrates the concept of this device being integrated in a car seat to provide the lumbar support and comfort.

The pressure concentrating means depicted in each of the foregoing devices comprises a plurality of overlapping cylinder like shapes of material that may have greater stretch resistance than the material of the object they are placed in.

In each case, the combined effect of the pressure concentrating means and the material of the devices providing 3-D, 360° support at specific areas of the devices of this invention is to lend additional support or focused pressure to the brace, clothing, footwear, pillow, and / or seat at one or more locations.

## **WHAT IS CLAIMED IS:**

1. The device placed in the full body support (Fig.1) provides pressure support in the upper dorsal and low back / lumbar areas.

The device comprises a composite of overlapping cylinder like shapes within the brace and at least one pressure concentrating means located at a pre-designated areas on the device, the pressure concentrating means comprising at least one component which when combined with the brace, lends additional and / or enhanced support or focused pressure at one or more locations on the device where the pressure concentrating means are located.

2. The device placed in clothing (Fig.2) offers an enhanced support and comfort to individuals in the upper back areas.

3. The device when used as a pillow support (Fig.3) provides an adaptable, ergonomically designed pillow for support and comfort for the head and neck while sleeping, and supports the low back when used on a chair or seat at home, in the car, or at work.

4. The design when anatomically configured to the footwear (Fig.4) provides increased focal support in the arch of the foot inferiorly and ankle of the foot posteriorly.

5. The design when anatomically configured to the seat (Fig.5) or chair provides increased focal support to the lumbar spine aiding to an enhanced comfort and stability.

### **ABSTRACT OF DISCLOSURE**

Our device is made of different materials that may stretch in four directions, aiding in support and comfort. The overlapping cylinder like shapes provide 3-D, 360° support to the anatomical area to which they are placed.



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Commissioner for Patents  
P. O. Box 1450  
Alexandria, Va. 22313-1450

November 11, 2007

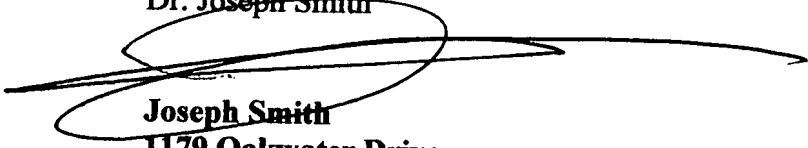


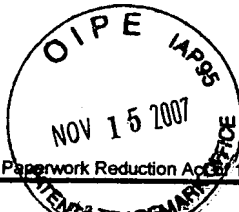
USPTO  
Kim Lewis  
Art Unit 3772  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Va. 22313-1450

To whom it may concern:

I am writing for your assistance on two design patents that are a continuation on Patent #6,776,769 that was issued August 17, 2004. Design patent applications, No. 10/932,357, filing date 8/16/2004 and No. 10/619,534, filing date 7/16/2003 were issued a Notice of Abandonment by mistake. My examiner Kim Lewis was working from outside the office when I tried to answer questions posed on these two applications but there wasn't any description, title and paper work accompanying her request, differentiating them. I have about 8 patent applications related to the original design patent #6,776,769. Kim Lewis and I spoke and I explained that due to hurricane damage and a foreclosure I was in the process of moving from my residence at 1921 South Club Drive, Wellington, FL. 33414 and that I needed an extension of time with the proper papers for each application to make the requested changes. On June 16, 2007, I responded with Kim Lewis who was out of the office and she provided me a fax and an individual to fax a request for the missing paper work with the two applications for me to reply. After a faxed the agreed upon request, I called back to both the personal that received the fax and Kim Lewis to verify the fax was received. About two months ago Kim Lewis wanted to confirm whether the communication was sent and at that time by mistake a Letter of Abandonment was sent on the two applications that she tried to stop but was unsuccessful to stop the process. This was not intentional on either my part or that of Kim Lewis and I would appreciate it if this matter could be corrected as soon as possible. Thank you for your consideration.

Dr. Joseph Smith

  
Joseph Smith  
1179 Oakwater Drive  
Royal Palm Beach, FL. 33411  
561-317-8449



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Dr. Joseph Smith

Art Unit: 3772

Application Number: 10/a32, 357

Examiner: Kim Lewis

Filed: 8/16/2004

Title: Support System in bras, pants, girdles, apparel, braces, etc. made up of an insert, harness and/or zipper.

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee NA

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of  
fax and letter (identify the type of reply):

☐ has been filed previously on 6-20-07

☐ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Dr. Joseph Smith  
Signature

11-12-07

Date

Dr. Joseph Smith  
Typed or printed name

Appl. # 10/932,357  
Registration Number, if applicable

1179 Oakwater Drive  
Address  
Royal Palm Beach, FL 33411  
Address

561-317-8449  
Telephone Number

Enclosure ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mall Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

11-12-07  
Date


Dr. Joseph Smith  
Signature

Dr. Joseph Smith  
Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
Signature

11-12-07  
Date

Dr. Joseph Smith  
Typed or printed name

Appl. # 10/619,534  
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

*(Please attach additional sheets if additional space is needed.)*

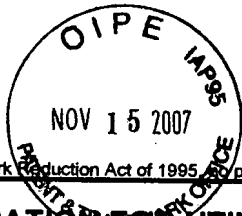


## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**



Declaration  
Submitted  
With Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (f))  
required)

Attorney Docket  
Number

First Named Inventor

D. Joseph Smith

COMPLETE IF KNOWN

Application Number

10 / 932,357

Filing Date

8 / 16 / 2004

Art Unit

3772

Examiner Name

Kim Lewis

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Support system in bras, pants, girdles, apparel, braces,  
etc. made up of an insert, harness, and/or zipper.

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

08 / 16 / 2004

as United States Application Number or PCT International

Application Number

10 / 932,357

and was amended on (MM/DD/YYYY)

N/A

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
N/A			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:



Address associated with former Number:

OR ☐

Correspondence address below

Name

Dr. Joseph Smith

Address

1179 Oakwater Drive

City

Royal Palm Beach

State

FL.

ZIP

33411

Country

Palm Beach

Telephone

561-317-8449

Email

docsmith3@comcast.net

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:



A petition has been filed for this unsigned inventor

Given Name (first and middle, if any)

Dr. Joseph O. Smith

Family Name or Surname

Smith

Inventor's Signature

Date

11/12/07

Residence: City

State

1179 Oakwater Drive

Country

Palm Beach

Citizenship

U.S.

Mailing Address

SAME

City

Royal Palm Beach, FL.

State

Zip

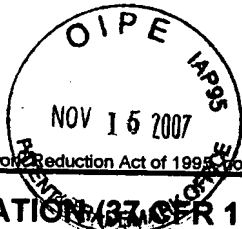
33411

Country

U.S.



Additional inventors or a representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.



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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)****Title of  
Invention**Support System in bras, pants, girdles, Apparel, braces,  
etc. made up of an insert, harness, and/or zipper.

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐

The attached application, or

☒Application No. 10/932,357, filed on 08/16/2004☐

as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

**WARNING:**

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All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: D. Joseph SmithDate: 11/12/07Signature: Citizen of: U.S.

Inventor two: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

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Additional inventors or a legal representative are being named on

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